

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 DAVID CARROLL STEPHENSON,

13 Defendant.

CASE NO. CR05-5158 RBL

ORDER

14 THIS MATTER is before the Court on David Carroll Stephenson's Petition for
15 Declaratory Judgment [Dkt. 368], Petition for Further Remedy and Relief [Dkt. 371], and his
16 Motion for Speedy Hearing [Dkt. 374]. Stephenson was convicted by a jury of failing to file tax
17 returns and of conspiracy to defraud the United States. Dkt. 233. His conviction was affirmed by
18 the Ninth Circuit Court of Appeals. Dkt. 348.

19 Stephenson previously petitioned this Court to vacate or correct his sentence pursuant to
20 28 U.S.C. § 2255. *See Stephenson v. United States*, No. 12-cv-5581-RBL (W.D. Wash. 2012).
21 The Court dismissed his § 2255 petition as untimely because it clearly fell outside the one-year
22 limitations period. *Id.* at Dkt. 4; 28 U.S.C. § 2255(f). Both this Court and the Ninth Circuit
23 denied Stephenson's request for a certificate of appealability. *Id.* at Dkt. 12; Dkt. 13.

In his most recent voluminous pro se filings, Stephenson again reiterates his familiar arguments that the Court lacks jurisdiction over him and that his conviction and the judgment against him are “jurisdictionally void.” Although labeled as requesting “declaratory judgment,” the Court construes Stephenson’s latest filings as a second or successive habeas corpus petition under § 2255. A second or successive motion under § 2255 must be dismissed unless it is authorized by the appropriate court of appeals. 28 U.S.C. § 2255(h); 28 U.S.C. § 2244. Because Stephenson does not have the requisite order authorizing his successive § 2255 application from the Ninth Circuit, his petitions [Dkts. 368, 371, and 374] are **DENIED**.

IT IS SO ORDERED.

Dated this 31st day of January, 2018.

Ronald B. Lightner

Ronald B. Leighton
United States District Judge